

REMARKS/ARGUMENTS

The phrase "may be" has been removed from Claim 1 and is believed to particularly point out and distinctly claim the subject matter of the applicant's invention.

In Claim 3, the phrase "said second end" has been amended to "said distal end" and is now believed to include proper antecedent basis.

Claim 9 has been withdrawn removing the lack of antecedent basis for the phrase "said rake assembly".

Claim 13 has been cancelled removing the indefiniteness problems with the phrase "said tines having a base ... a tip end".

Claims 1-7, 10 and 11 remain in this application.

Claim 13 has been canceled.

Claims 8, 9 and 12 have been withdrawn.

In response to the Office Action of February 10, 2005, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejections under 35 USC 112

The Examiner has rejected Claims 1-13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, the phrase "may be" has been removed for clarity and is now believed to particularly point out and distinctly claim the subject matter of the applicant's invention.

With respect to Claim 3, the phrase "said second end" has been amended to "said distal end" for clarity and is now believed to include proper antecedent basis.

With respect to Claim 9, the Claim has been withdrawn removing the lack of antecedent basis for the phrase "said rake assembly".

With respect to Claim 13, the Claim has been cancelled removing the indefiniteness problems with the phrase "said tines having a base ... a tip end".

Rejections under 35 USC 102(b)

The Examiner has rejected Claims 1-12 under 35 U.S.C. 102(b) as being anticipated by Bower et al. (5,626,009). Claim 1 has been amended to include limitations from claims 8, 9 and 12 as discussed with the Examiner in a phone conference conducted April 20, 2005 and is now believed to be in condition for allowance. Claims 2-7, 10 and 11 depend from base claim 1 and should also be in condition for allowance. Claim 13 has been cancelled.

Bower discloses a combination raking and hoeing device. The device requires a rake head which collapses as it is retracted. While this configuration provides a more compact arrangement for storage purposes it also requires complex assembly. In contrast the instant invention utilizes a rake head assembly having tines fixed in position with the tine tips diverging outwardly. This construction eliminates the costly and complex assembly as disclosed by Bower.

Rejection under 35 USC 103(a)

The Examiner rejected claim 13 as being unpatentable over Bower et al. (5,626,009), in view of Rienacker (3,258,903). Claim 13 has been cancelled.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment, the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

Respectfully submitted,

  
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